

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 217 – SB 428**

March 15, 2015

**SUMMARY OF ORIGINAL BILL:** Broadens the offense of aggravated assault in which strangulation is involved.

Creates a new Class D felony for reckless aggravated assault in which strangulation was involved.

Redefines “strangulation” for purposes of aggravated assault to include knowing and reckless impedances of someone’s breathing or circulation of blood, and blockages of someone’s nose and mouth; and would allow for strangulation regardless of whether the conduct results in any visible injury or whether the person has any intent to kill or protractedly injure the victim.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$219,500 Highest Projected Cost of Next 10 Years/Incarceration\*

**SUMMARY OF AMENDMENT (004143):** Deletes all language after the enacting clause.

Broadens the offense of aggravated assault in which strangulation is involved.

Requires an intentional or knowing aggravated assault to only involve strangulation rather than involve strangulation that the assailant performed with the intent to cause bodily injury.

Redefines “strangulation” for purposes of aggravated assault to include knowing impedances of someone’s breathing or circulation of blood, and blockages of someone’s nose and mouth; and would allow for strangulation regardless of whether the conduct results in any visible injury or whether the person has any intent to kill or protractedly injure the victim.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

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- Tennessee Code Annotated § 39-13-102 establishes two classes of aggravated assault offenses: intentional/knowing and reckless. Intentional or knowing aggravated assaults are prosecuted as Class C felonies, and reckless aggravated assaults are prosecuted as Class D felonies.
- The bill expands the offense of intentional or knowing aggravated assault involving strangulation, and creates a new Class D felony for reckless aggravated assault involving strangulation.
- Under current law, one commits aggravated assault if he or she intentionally assaults another and strangulates another, or attempts to strangle another, and intends to cause bodily injury.
- The bill would expand this offense to include any offense where strangulation is involved even if the offender did not intend bodily injury.
- Though the bill expands the offense of intentional or knowing aggravated assault, it is assumed that the expanded offense will not significantly increase incarceration costs. Bodily injury is a very broad definition, which includes a cut, abrasion, bruise, or temporary impairment of a bodily organ. It is assumed that removing the element that a person intend to cause bodily injury will not significantly increase admissions because a person who intentionally or knowing assaults another by strangling them usually intends to temporarily impair the function of a bodily organ.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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